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January 28, 2011

Via ECF

The Honorable John E. Jones, III
U.S. District Court
Middle District of Pennsylvania
U.S. Courthouse
228 Walnut Street, P.O. Box 983
Harrisburg, PA 17108

Re: *Fiorentino, et al. v. Cabot Oil & Gas Corp., et al.*
Docket No.: 3:09-cv-02284-JEJ

Dear Judge Jones:

This office represents the plaintiffs in the above-referenced matter. This letter is respectfully submitted in objection to the proposed appointment of George Reihner, Esq. of Wright & Reiher, P.C. as Special Master. While plaintiffs welcome the concept and assistance of a Special Master in resolving discovery disputes, initial investigation of Mr. Reihner and his law firm demonstrates a reasonable basis for concern that a conflict exists. That conflict will likely result in a bias favoring the defendant(s), in fact or appearance, despite the appointee's best efforts. Specifically:

- Mr. Reihner's firm specializes in: "meet[ing] the needs of corporate clients... counseling major energy providers seeking to explore development along the Marcellus Shale formation[.]" (See firm's promotional website, from which a printout is annexed to this letter as Attachment 1.)
- Mr. Reihner and his firm's professional involvement with, and fidelity to, defendant Cabot Oil & Gas Corporation dates back to at least March 2009, when Mr. Reihner's name appears on pleadings with other counsel from his firm in a suit against Dimock resident Kenneth R. Ely. Mr. Ely's estate and descendants are plaintiffs in the instant action. The lawsuit in which Mr. Reihner's name appears as counsel charged plaintiff's decedent with breach of a contract with Cabot and sought injunctive relief stemming from purported "terroristic threats" against Cabot and its contractors. (See *Cabot Oil & Gas Corporation v Kenneth R. Ely*, USMD PA, No. 3:09-CV-547, copies of the Complaint, Motion for TRO, transcript of hearing and Order are also annexed to this letter cumulatively as Attachment 2).

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As a result of his firm's actual engagement by defendant Cabot and Mr. Reihner's direct involvement, their pursuit of litigation against a plaintiff's decedent, and innumerable meetings, counseling sessions and conversations with agents and employees of the Cabot, it is hard to imagine that Mr. Reihner has neither benefited financially from Cabot's operations nor formed relations with Cabot operatives or opinions as to Dimock plaintiffs and the bona fides of their case. All of which would almost necessarily affect Mr. Reihner's neutrality, or appearance of neutrality, and militate against his appointment. Moreover, even if all of the foregoing was not sufficient basis to disqualify Mr. Reihner, the fact that the Special Master will act in a quasi-judicial capacity raises at the very least the "appearance of impropriety" where the attorney proposed for the position previously sued one whose estate and survivors are plaintiffs in this action on behalf of the very defendant in this matter.

Based on the foregoing sizable appearance of conflict, plaintiffs most respectfully request that the Court withdraw George Reihner's appointment as Special Master in favor of another with no ties to Cabot Oil & Gas or the gas industry, and instead appoint an individual upon whom both parties can agree and with whom they can proceed without the fear or appearance of bias in either direction.

We appreciate your time and attention to this matter.

Respectfully Submitted,

NAPOLI BERN RIPKA & ASSOC., LLP
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